

R E M A R K S

Claims 1, 33-51, 61-65 and 84-86 are currently pending in this application.

Elections/Restrictions

The examiner has made the following restrictions to the set of claims 1 and 33-98:

Group I: Claims 1, 33-51, 61-65 and 84-86

Group II: Claims 52-60

Group III: Claims 66-71

Group IV: Claims 72-77

Group V: Claims 78-80

Group VI: Claims 81-83

Group VII: Claims 87-89

Group VIII: Claims 90-92

Group IX: Claims 93-95

Group X: Claims 96-98

Group I was constructively elected and Groups II - X were restricted from the present application. Applicant does not traverse. The restricted claims of Groups II - X have been canceled without prejudice for subsequent prosecution in divisional and/or other continuing applications.

Claim Rejections - 35 USC § 102

Claims 1 and 33-51, 61-65 and 84-86 were rejected under 35 U.S.C. 102(e) as being anticipated by XP-002150023 ("Streaming Email"). Applicant respectfully traverses. However, solely for the purpose of expediting the prosecution of the application, Applicant has amended certain claims for the purpose of clarification, not limitation. Applicant reserves the right to reintroduce the amended claims in their original form and claims of similar scope at a future date.

The Cited Art

Streaming Email is apparently a chapter from a larger publication and is marked a hand-written publication date. The Examiner is respectfully requested to provide a complete

citation to the work, including the book's title, author/editor, publisher, and publication date to complete the record. This is particularly important since the hand-written publication date is just days more than one year prior to the priority date for the present application. Applicant respectfully traverses the use of Streaming Email a prior art pending the identification of the source of the document and a verification of its publication date.

Streaming Email appears to describe the state of the art at the time that it was published with respect to the delivery of audio and video via e-mail. A number of products are described, all but one of which describes the delivery of non-streaming audio and/or video.<sup>1</sup> The delivery of audio and/or video for such non-streaming products are described as, for example, attachments to emails and links within an email which can be activated to download files for subsequent viewing.

Video Email Express<sup>2</sup> is said to be the only product at the time which could stream audio and video files that were activated by an e-mail. It requires the prior installation of a player on the user's computer. The player can be downloaded from a website, or may be sent to the user as an attachment to an email. In either case, the viewer would need to be installed on the computer prior to the user being able to view any streaming audio and/or video. See, for example, Fig. 18.5 on page 313 of Streaming Email. Once the viewer has been installed on the user's computer, a link embedded in an email sent to the user can be manually selected by the user to cause video to be streamed from a server and displayed in a window generated by the player. If the window generated by the player happens to overlay the e-mail, it will obscure a portion of the email, as seen in Fig. 18.5.

#### Claims 1 and 33-45

The example embodiments of claims 1 and 40 include limitations not found in Streaming Email. By way of non-limiting examples, Streaming Email does not teach the

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<sup>1</sup> "With your options limited to just one streaming email program, things don't look that good yet." Streaming Email, page 316.

<sup>2</sup> "As such, this chapter only has one program, Video Express Email, that streams audio and video files." Streaming Email, page 303.

ability to automatically stream an audiovisual enhancement upon an opening of an e-mail without the requirement of a previously installed viewer. As such, the rejections of claims 1 and 40 under 35 U.S.C. 102(b) are in error and should be withdrawn. Claims 33-39 and 41-45 are dependent upon independent claim 1 and are therefore allowable for at least the same reasons as set forth for claims 1 and 40. Applicant respectfully requests the withdrawal of the rejections of these claims.

#### Claims 46-51

The example embodiment of claims 46 also includes limitations not found in Streaming Email. Claim 46 is written in means-plus-function format where the recited function is limited to the structures disclosed in the application and their equivalents. As such, the claim scope of the embodiments of claims 46-51 are limited to self-executing programs (such as applets) which can stream video for display in an e-mail. By way of non-limiting examples, Streaming Email does not teach the use of a self-executing program to stream an audiovisual enhancement and to display it in conjunction with an e-mail message. As such, the rejection of claims 46 under 35 U.S.C. 102(b) is in error and should be withdrawn. Claims 47-51 are dependent upon independent claim 46 and are therefore allowable for at least the same reasons as set forth for claims 46. Applicant respectfully requests the withdrawal of the rejections of these claims.

#### Claim 61

The example embodiment of claim 61 includes the limitations of generating a sender e-mail including an instruction to cause a code segment to automatically download over a network and execute within a context of the e-mail when it is opened by a recipient. Streaming Email does not disclose or suggest such a combination. Applicant respectfully request withdrawal of the rejection of claim 61.

#### Claims 62 and 63

The example embodiments of claims 62 and 63 are of different types and of varying claim scope but generally both include the limitations of receiving e-mail text from a sender, associating the e-mail text with a code segment, and sending the code segment to a recipient

in a body of an e-mail. Streaming Email does not disclose or suggest such a combination. Applicant respectfully request withdrawal of the rejection of claims 62 and 63.

Claims 64 and 65

The example embodiments of claims 64 and 65 are of different types and of varying claim scope but generally both include the limitations of providing a link between an open e-mail on a recipient computer and a stored audio and/or video file not on the recipient computer and streaming the audio and/or video file to the recipient computer for display within the open e-mail in such a manner that other content of the e-mail which is intended to be viewed is not visually obscured. Streaming Email does not disclose or suggest such a combination and, in fact, teach away from this combination as described above. Applicant respectfully request withdrawal of the rejection of claims 64 and 65.

Claims 84-86

The example embodiments of claims 84-86 are of different types and of varying claim scope but generally both include the limitations of enhancing an e-mail with an HTML code segment and reviewing the enhancement of said e-mail by executing said HTML code segment prior to sending said e-mail. Streaming Email does not disclose or suggest such a combination. Applicant respectfully request withdrawal of the rejection of claims 84-86.

Conclusion

All claims being patentable, the Examiner respectfully requested to issue a Notice of Allowance. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 293-3355.

Date: 09/18/08

Respectfully submitted,



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